

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: VEHICLE TRACKING AND
SECURITY SYSTEM ('844) PATENT
LITIGATION

MDL No. 11-2249 (DWF/SER)

This Document Relates to All Actions

**PRETRIAL ORDER NO. 1
AND MEMORANDUM**

On December 15, 2011, the Court held a Status Conference-Pretrial Hearing in the above-entitled matter, during which the Court sought input from Plaintiff and all represented Defendants regarding case management, scheduling, timelines, and other issues that relate to the efficient and fair administration of this Multi-District Litigation ("MDL"). While the Court ruled from the bench on all pretrial matters before it, the Court also indicated that a written order, consistent with its rulings at the December 15, 2011 hearing, would be forthcoming.

Based upon the presentations of the parties present on December 15, 2011, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Follow-Up Status Conference

The Court will hold a follow-up status conference on February 1, 2012, at 9:00 a.m., to discuss various issues including the pre-trial schedule (and meaningful deadlines), discovery, settlement, the timing and sequence of claim construction, and lead

and liaison counsel. The Court will first meet with all represented parties in chambers and later conduct any on-the-record discussions in the courtroom.

2. Consistent with the Court's remarks from the bench on December 15, 2011, the Court respectfully directs Plaintiff's counsel to submit a summary letter to each Defendant explaining Plaintiff's infringement allegations relating to the '844 patent no later than January 20, 2012, absent a stipulation of the parties.

3. The attached Memorandum is made a part hereof.

Dated: January 3, 2012

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge

MEMORANDUM

The Court found the December 15, 2001 Status Conference-Pretorial Hearing very useful and has scheduled a follow-up status conference on February 1, 2012. The Court's goal for the February 1, 2012 status conference is to put into place a scheduling order that will address the matters of most concern to all parties, such as issues related to joinder, the status of the "car manufacture" cases, patent validity and claim construction, and the timing and sequence of pre-trial matters, including those pertaining to discovery, claim construction, motion practice, a uniform protective order, and lead and liaison counsel issues.

At the December 15, 2011 hearing, Defendants agreed to temporarily continue or withdraw their motion to dismiss so as to allow the parties to focus on other significant

issues. The Court is of the view that this will serve the best interests of all parties, on a temporary basis, until a fair and appropriate scheduling order can be put into place.

The Court also noted its intent to contact the Honorable Barbara M.G. Lynn, who has extensive experience with the relevant technologies in this matter. Judge Lynn now presides over a potential tag-along case; additionally, she presided over a prior case involving the '844 patent, in which she resolved issues pertaining to claim construction and trial, and in which she received a jury verdict. *See Mansell v. Raytheon Co.*, Civ. A. No. 3:02-CV-0425 (N.D. Texas). The Court agreed to contact Judge Lynn in order to attempt to coordinate the resolution of discovery issues that may arise in this matter from the existence of any orders to seal portions of the case over which Judge Lynn presided in the Northern District of Texas.

In the event counsel for any party that attended the status conference, either in person or by telephone, believes that this order does not comport with the Court's rulings and statements from the bench, or believes that there are other issues that were addressed at the status conference that should be included herein, he or she should contact, with notice to the other parties, the Court's Calendar Clerk, Brenda Schaffer, at 651-848-1296.

D.W.F.